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**November 1, 2006**

**NOV 01 2006**

**TO: Commissioner for Patents  
Fax No.: 571-273-8300**

**No. of sheets: 5**

**FR: Jonathan Spangler, Esq.  
Tel.: 858-909-1807 (or Cell 858-243-0029)**

**RE: Responsive Amendment (App. Ser. No. 10/830,189)**

I hereby certify that this correspondence is being transmitted via facsimile to: United States Patent & Trademark Office (Fax No. 571-273-8300), on November 1, 2006 under the Certificate of Transmission provisions of 37 CFR 1.8.

Signature: \_\_\_\_\_

Jonathan Spangler

**RESPONSIVE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Dear Sir:

In regards to U.S. Patent Application Serial No. **10/830,189**, the applicant submits the following:

- A) Transmittal Form (1 page);
- B) Response to Notice of Non-compliant Amendment (3 pages).

No additional fees are deemed necessary at this time. However, in the event that there are any fees to be charged, the applicant hereby requests that any charges be made to Deposit Account No.: 50-2040 for Customer No.: 30,328. Please contact me with any questions or comments.

With thanks,

Jonathan Spangler  
Vice President & Chief Patent Counsel  
USPTO Reg. No. 40,182

NuVasive, Inc.  
4545 Towne Centre Court  
San Diego, CA 92121  
Tel.: (858) 243-0029

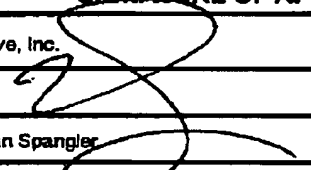
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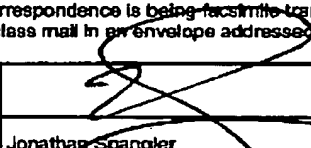
Approved for use through 03/31/2007. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/830,189	<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b>  <b>NOV 01 2006</b>
	Filing Date	April 21, 2004	
	First Named Inventor	Brian S. Kelleher	
	Art Unit	3736	
	Examiner Name	Brian Sznel	
Total Number of Pages in This Submission	5	Attorney Docket Number	028US2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Fax cover sheet
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	NuVasive, Inc.		
Signature			
Printed name	Jonathan Spangler		
Date	November 1, 2006	Reg. No.	40,182

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Jonathan Spangler	Date	November 1, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NOV 01 2006

**PATENT**  
Application Serial No. 10/830,189  
Attorney Ref. No. 028US2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of )

Brian S. Kelleher et al. )

Group Art Unit: 3736 )

App. Ser. No. 10/830,189 )

Examiner: Brian Szmal )

Filed: April 21, 2004 )

For: ELECTROMYOGRAPHY SYSTEM )

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Signature: \_\_\_\_\_

Jonathan D. Spangler

Response to Notice of Non-Compliant Amendment

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Non-compliant Amendment ("Notice") mailed October 25, 2006 in the above-captioned application, having a one-month shortened statutory period for response which expires November 25, 2006, please correct the amendment mailed October 10, 2006 as set forth below: